

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LARRY SPENCER,

Petitioner,

v.

STATE OF WISCONSIN, STUART
SCHWARTZ and NEW LISBON
CORRECTIONAL INSTITUTION,

Respondents.

ORDER

3:08-cv-00017-bbc

In an order entered in this case on January 22, 2008, I told petitioner that before I could consider his request to proceed in forma pauperis he would have to submit a trust fund account statement covering the six-month period preceding the filing of his complaint so that I could assess an initial partial payment of the \$350 fee for filing this case. Petitioner has submitted the requested statement. From the statement, I have calculated petitioner's initial partial payment to be \$.85. If petitioner does not have the money to make the initial partial payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. This does not mean that petitioner is free to ask prison authorities to pay *all* of his filing fee from his release account. The only

amount petitioner must pay at this time is the \$.85 initial partial payment. Before prison officials take any portion of that amount from petitioner's release account, they may first take from petitioner's regular account whatever amount up to the full amount petitioner owes.

ORDER

IT IS ORDERED that petitioner is assessed \$.85 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$.85 on or before February 28, 2008. If, by February 28, 2008, petitioner fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 8th day of February, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge